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Practitioner's Docket No. 02635

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Scola, Vito A.

Application No.: Unknown

Filed: Herewith

For: SHOPPING BAG CARRIER

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

ATTENTION: Group Director, Group _____ (M.P.E.P., Section 1002.02(c))

**PETITION TO MAKE SPECIAL FOR NEW APPLICATION
UNDER M.P.E.P. section 708.02, VIII**

1. Petition

Applicant hereby petitions to make this new application, which has not received any examination by the Examiner, special.

2. Claims

(check and complete all applicable items (a) through (c))

- (a) ☒ All the claims in this case are directed to a single invention.
- (b) ☒ If the Office determines that all the claims presented are not obviously directed to a single invention, then applicant will make an election without traverse as a prerequisite to the grant of special status.
- (c) ☐ If claim(s) _____ are found not to be examinable in this case with claim(s) , then applicant hereby elects claim(s) _____ for the prosecution of this case.

3. Search

A search has been made by professional searcher in the following:

02/13/2004 HLE333 00000049 10775512

02 FC:1460

130.00 OP

Field of search: Class 383 - subclasses 13 and 14

Design Class 9 - subclass 443

Class 294 - subclasses 167, 169, 170, 171

4. Copy of references

There is submitted herewith a copy of the references deemed most closely related to the subject matter encompassed by the claims.

Also attached is Form PTO/SB/08A.

5. Detailed discussion of the references

There is submitted herewith a detailed discussion of the references, which discussion particularly points out how the claimed subject matter is distinguishable over the references.

Also attached is an Information Disclosure Statement.

U.S. Design Patent No. D268,815 to Schwalbach discloses a carrying handle for a carton or the like. The handle includes two planar surfaces which snap together.

The Schwalbach patent neither discloses nor suggests a carrier for supporting and carrying bags having handles, the carrier including a handle having a locking lip supported adjacent and below the opening on an outer surface of the handle's body portion; a hook having a base extending from and supported by the handle and including a curvature constructed and arranged to support the handles of the carrying bag, the hook further including a rigid outer leg having a first end which extends from the curved base and a second end opposite the first end; a locking member having a second end engageable with the locking lip of the handle in order to lock the hook into a closed position during use, and a release member constructed and arranged to release the locking member from engagement with the handle, as claimed by Applicant in independent claim 1.

Nor does the Schwalbach patent disclose or suggest a carrier for supporting and carrying bags having handles, the carrier including a handle having a locking lip supported adjacent and below the opening on an outer surface of the handle's body portion; a hook having a base extending from and supported by the handle and including a curvature constructed and arranged to support the handles of the carrying bag, the hook further including a rigid outer leg having a first end which extends from the curved base and a second end opposite the first end; a locking member having a second end engageable with the locking lip of the handle in order to lock the hook into a closed position during use, an inner surface, an outer surface, and a curvature defined between the inner and outer surface

which is inverted with respect to the base curvature of the hook, as claimed by Applicant in independent claim 9.

U.S. Patent No. 3,692,218 to Friedman discloses, in one embodiment, a garment hanger carrying device (38b) that is formed with a pair of bales (12b, 14b) which include bases (16b, 18b) and a pair of upwardly and outwardly diverging legs (24b, 26b), respectively. A reach (28b, 30b) is provided to interconnect each pair of legs and includes a recessed central zone (40b, 42b). The pair of bales (12b, 14b), bases (16b, 18b), diverging legs (24b, 26b), and reach (28b, 30b) all interlock together to form a carrying handle. The bales (12b, 14b) are joined at their lower ends to a sling which is adapted to receive wirehook portion of garment hangers. The sling is formed by and locked to the bales by a flange (80) which extends laterally from the side face of the base (18b) toward and over the upper edge of the base (16b) and terminates with a downward bead (82) at the distal edge thereof. The bead (82) of the flange (80) is spaced from the base (18b) a distance greater than the thickness of the base (16b), so that the sling suspended beneath the bales may hold a sufficient number of hangers. Sling (52b) is suspended beneath and connected at each of its side panels to the base of each bale (12b, 14b). The sling is suspended from the basis of the bales (12b, 14b) by a pair of living hinges (76b, 78b), so that the bales may be pivoted with respect to the sling in order to facilitate insertion or removal of the wire hook portion (60b) from the sling. The side panels (54b, 56b) diverge outwardly and downwardly from the bale to resilient fold line from which a converging portion (84, 86) extends. The inwardly converging portions (84, 86) terminate in a living hinge (88). Due to the construction of the living hinges and the flange (80), the sling is able to accommodate one or more hangers therein.

The Friedman patent does not disclose nor suggest a carrier for supporting and carrying bags having handles, the carrier including a handle having a locking lip supported adjacent and below the opening on an outer surface of the handle's body portion; a hook having a base extending from and supported by the handle and including a curvature constructed and arranged to support the handles of the carrying bag, the hook further including a rigid outer leg having a first end which extends from the curved base and a second end opposite the first end; a locking member having a second end engageable with the locking lip of the handle in order to lock the hook into a closed position during use, and a release member constructed and arranged to release the locking member from engagement with the handle, as claimed by Applicant in independent claim 1.

Nor does the Friedman patent disclose or suggest a carrier for supporting and carrying bags having handles, the carrier including a handle having a locking lip supported adjacent and below the opening on an outer surface of the handle's body portion; a hook having a base extending from and supported by the handle and including a curvature constructed and arranged to support the handles of the carrying bag, the hook further including a rigid outer leg having a first end which extends from the curved base and a second end opposite the first end; a locking member having a second end engageable with the locking lip of the handle in order to lock the hook into a closed position during use, an inner surface, an outer surface, and a curvature defined between the inner and outer surface which is inverted with respect to the base curvature of the hook, as claimed by Applicant in independent claim 9.

U.S. Patent No. 3,912,140 to Franges discloses a carrying handle (10) for packages, shopping bags or the like having handles, including a pair of side walls (12, 14) which can be locked or latched when the carrying handle is used. Retaining sections (18, 20) are integrally formed with each side wall, and include abutting surfaces when the side walls are latched to retain the handles. In another embodiment, lateral retainer members (84, 86) are carried by one of the side walls and can be pivoted into the interior of the carrying handle defined by the side walls. In the second embodiment (Figs. 6-13), the retainer members are distorted or squeezed when moved between the side walls thereby preventing inadvertent withdrawal of the wire or rope handle from the carrying handle.

The Franges patent does not disclose nor suggest a carrier for supporting and carrying bags having handles, the carrier including a handle having a locking lip supported adjacent and below the opening on an outer surface of the handle's body portion; a hook having a base extending from and supported by the handle and including a curvature constructed and arranged to support the handles of the carrying bag, the hook further including a rigid outer leg having a first end which extends from the curved base and a second end opposite the first end; a locking member having a second end engageable with the locking lip of the handle in order to lock the hook into a closed position during use, and a release member constructed and arranged to release the locking member from engagement with the handle, as claimed by Applicant in independent claim 1.

Nor does the Franges patent disclose or suggest a carrier for supporting and carrying bags having handles, the carrier including a handle having a locking lip supported adjacent and below the opening on an outer surface of the handle's body portion; a hook having a base extending from and supported by the handle and including a curvature constructed and arranged to support the handles of the carrying bag, the hook further including a rigid outer leg having a first end which extends from the curved base and a second end opposite the first end; a locking member having a second end engageable with the locking lip of the handle in order to lock the hook into a closed position during use, an inner surface, an outer surface, and a curvature defined between the inner and outer surface which is inverted with respect to the base curvature of the hook, as claimed by Applicant in independent claim 9.

U.S. Patent No. 4,004,722 to Olivier discloses a reusable handle (4) for receiving twine or rope bindings of packages, or the flexible straps of shopping bags. The handle (4) has a slit (6) to allow the rope, twine, or handles to pass into a hollow tubular section parallel to the handle. The rope, twine, or handles then rest loosely within cavity (15) of the tubular section.

The Olivier patent does not disclose nor suggest a carrier for supporting and carrying bags having handles, the carrier including a handle having a locking lip supported adjacent and below the opening on an outer surface of the handle's body portion; a hook having a base extending from and supported by the handle and including a curvature constructed and arranged to support the handles of the carrying bag, the hook further including a rigid outer leg having a first end which extends from the curved base and a second end opposite the first end; a locking member having a second end engageable with the locking lip of the handle in order to lock the hook into a closed position during use, and a release member constructed and arranged to release the locking member from engagement with the handle, as claimed by Applicant in independent claim 1.

Nor does the Olivier patent disclose or suggest a carrier for supporting and carrying bags having handles, the carrier including a handle having a locking lip supported adjacent and below the opening on an outer surface of the handle's body portion; a hook having a base extending from and supported by the handle and including a curvature constructed and arranged to support the handles of the carrying bag, the hook further including a rigid outer leg having a first end which extends from the curved base and a second end opposite the first end; a locking member having a second end engageable with the locking lip of the handle in order to lock the hook into a closed position during use, an inner surface, an outer surface, and a curvature defined between the inner and outer surface which is inverted with respect to the base curvature of the hook, as claimed by Applicant in independent claim 9.

U.S. Patent No. 4,558,896 to Farnworth discloses a handle for carrying loads which includes a grip (10) and a strap (12) extending from the grip. The free end (20) of the strap has a bar (26) which can be engaged in a slot (28) so as to form a closed loop. In use, the strap is passed through or around the load to be carried, for example, through the handles of a shopping bag, and the slot is engaged by the bar. The central region of the strap has a reduced thickness to facilitate bending and twisting of the strap in order to insert the bar (26) through opening (28).

The Farnworth patent does not disclose nor suggest a carrier for supporting and carrying bags having handles, the carrier including a handle having a locking lip supported adjacent and below the opening on an outer surface of the handle's body portion; a hook having a base extending from and supported by the handle and including a curvature constructed and arranged to support the handles of the carrying bag, the hook further including a rigid outer leg having a first end which extends from the curved base and a second end opposite the first end; a locking member having a second end engageable with the locking lip of the handle in order to lock the hook into a closed position during use, and a release member constructed and arranged to release the locking member from engagement with the handle, as claimed by Applicant in independent claim 1.

Nor does the Farnworth patent disclose or suggest a carrier for supporting and carrying bags having handles, the carrier including a handle having a locking lip supported adjacent and below the opening on an outer surface of the handle's body portion; a hook having a base extending from and supported by the handle and including a curvature constructed and arranged to support the handles of the carrying bag, the hook further including a rigid outer leg having a first end which extends from the curved base and a second end opposite the first end; a locking member having a second end engageable with the locking lip of the handle in order to lock the hook into a closed position during use, an inner surface, an outer surface, and a curvature defined between the inner and outer surface which is inverted with respect to the base curvature of the hook, as claimed by Applicant in independent claim 9.

U.S. Patent No. 4,982,989 to Sweeny discloses handle (10) for use with containers such as bags, pails, cans or cardboard cartons having handle portions. The handle includes an arcuate base portion (12) and a pair of side walls (14, 16) which converge upwardly from opposite sides of the base portion. In one embodiment, a generally triangular rib (72) extends inwardly from the inner surface

of one side wall and is interleaved with a pair of similar ribs (74) on the inner surface of the other side wall. The outer wall or bottom surface of the base portion (12) has transverse finger-receiving recesses (20) therein. The handle (10) fits over the handle portion of the container and helps distribute the weight of the container. The interleaved ribs prevent inadvertent release of the auxiliary handle from the container handle.

The Sweeny patent does not disclose nor suggest a carrier for supporting and carrying bags having handles, the carrier including a handle having a locking lip supported adjacent and below the opening on an outer surface of the handle's body portion; a hook having a base extending from and supported by the handle and including a curvature constructed and arranged to support the handles of the carrying bag, the hook further including a rigid outer leg having a first end which extends from the curved base and a second end opposite the first end; a locking member having a second end engageable with the locking lip of the handle in order to lock the hook into a closed position during use, and a release member constructed and arranged to release the locking member from engagement with the handle, as claimed by Applicant in independent claim 1.

Nor does the Sweeny patent disclose or suggest a carrier for supporting and carrying bags having handles, the carrier including a handle having a locking lip supported adjacent and below the opening on an outer surface of the handle's body portion; a hook having a base extending from and supported by the handle and including a curvature constructed and arranged to support the handles of the carrying bag, the hook further including a rigid outer leg having a first end which extends from the curved base and a second end opposite the first end; a locking member having a second end engageable with the locking lip of the handle in order to lock the hook into a closed position during use, an inner surface, an outer surface, and a curvature defined between the inner and outer surface which is inverted with respect to the base curvature of the hook, as claimed by Applicant in independent claim 9.

U.S. Patent No. 5,356,190 to Torres discloses a handguard (10) for carrying plastic bags and like, the hand guard including a planar palm guard portion (12), a top radius hinge (14), a keeper flap (16), and a lower portion (17) including a finger guard (18) connected to the palm guard (12) by a U-shaped bridging member (20) which preferably forms an inner trough (22). In use, the handles of plastic bags or the like are supported within the inner trough (22), and retained therein by the keeper flap (16) which is held in place by lower portion (17). The users fingers rest on the finger guard (17) while the palm of the users hand are supported on the palm guard (12). The keeper flap (16) is flexible to allow the grocery bag loops into the hand guard, but is normally biased to the closed position in order to retain the grocery bag handles therein.

The Torres patent does not disclose nor suggest a carrier for supporting and carrying bags having handles, the carrier including a handle having a locking lip supported adjacent and below the opening on an outer surface of the handle's body portion; a hook having a base extending from and supported by the handle and including a curvature constructed and arranged to support the handles of the carrying bag, the hook further including a rigid outer leg having a first end which extends from the curved base and a second end opposite the first end; a locking member having a second end

engageable with the locking lip of the handle in order to lock the hook into a closed position during use, and a release member constructed and arranged to release the locking member from engagement with the handle, as claimed by Applicant in independent claim 1.

Nor does the Torres patent disclose or suggest a carrier for supporting and carrying bags having handles, the carrier including a handle having a locking lip supported adjacent and below the opening on an outer surface of the handle's body portion; a hook having a base extending from and supported by the handle and including a curvature constructed and arranged to support the handles of the carrying bag, the hook further including a rigid outer leg having a first end which extends from the curved base and a second end opposite the first end; a locking member having a second end engageable with the locking lip of the handle in order to lock the hook into a closed position during use, an inner surface, an outer surface, and a curvature defined between the inner and outer surface which is inverted with respect to the base curvature of the hook, as claimed by Applicant in independent claim 9.

U.S. Patent No. 5,411,307 to Roberts discloses a grip (10) for bags with handles which includes a generally U-shaped cross section shape with the sides (15, 20) touching at their edges at the mid length point of the grip and at increasing distances from each other toward the ends of the grip. A flange (13) on the edge (14) of side (15) extends at 90 degrees toward the opposite side (20). The edge (19) of side (20) extends beyond the surface (21) of the flange and curves away from the flange to form a ledge (22). The bottom of the U-shape is the bottom of the grip and it is arched upward lengthwise at a radius about 4 times the length of the grip. The flange may extend the full length of the grip or extend only over a central portion of the length. The ledge facilitates engaging the grip on the bail or bails of a bag and inhibits inadvertent disengagement of the grip from the bail(s).

The Roberts patent does not disclose nor suggest a carrier for supporting and carrying bags having handles, the carrier including a handle having a locking lip supported adjacent and below the opening on an outer surface of the handle's body portion; a hook having a base extending from and supported by the handle and including a curvature constructed and arranged to support the handles of the carrying bag, the hook further including a rigid outer leg having a first end which extends from the curved base and a second end opposite the first end; a locking member having a second end engageable with the locking lip of the handle in order to lock the hook into a closed position during use, and a release member constructed and arranged to release the locking member from engagement with the handle, as claimed by Applicant in independent claim 1.

Nor does the Roberts patent disclose or suggest a carrier for supporting and carrying bags having handles, the carrier including a handle having a locking lip supported adjacent and below the opening on an outer surface of the handle's body portion; a hook having a base extending from and supported by the handle and including a curvature constructed and arranged to support the handles of the carrying bag, the hook further including a rigid outer leg having a first end which extends from the curved base and a second end opposite the first end; a locking member having a second end engageable with the locking lip of the handle in order to lock the hook into a closed position during use, an inner surface, an outer surface, and a curvature defined between the inner and outer surface

which is inverted with respect to the base curvature of the hook, as claimed by Applicant in independent claim 9.

U.S. Patent No. 6,354,645 to Bozlee discloses a handle (10) for carrying bags with handles, the handle (10) having symmetrical walls (24, 25) that are fastened together using a tab (21), located on the edge of one symmetrical walls (24) of the handle, and a groove (22) formed on the edge of the second symmetrical wall (25) of the handle, for receiving the tab. The side walls (24, 25) are joined along a bottom edge by a base (26) which supports the handles of the bags during use. Spaces for advertisement are also provided.

The Bolzee patent does not disclose nor suggest a carrier for supporting and carrying bags having handles, the carrier including a handle having a locking lip supported adjacent and below the opening on an outer surface of the handle's body portion; a hook having a base extending from and supported by the handle and including a curvature constructed and arranged to support the handles of the carrying bag, the hook further including a rigid outer leg having a first end which extends from the curved base and a second end opposite the first end; a locking member having a second end engageable with the locking lip of the handle in order to lock the hook into a closed position during use, and a release member constructed and arranged to release the locking member from engagement with the handle, as claimed by Applicant in independent claim 1.

Nor does the Bolzee patent disclose or suggest a carrier for supporting and carrying bags having handles, the carrier including a handle having a locking lip supported adjacent and below the opening on an outer surface of the handle's body portion; a hook having a base extending from and supported by the handle and including a curvature constructed and arranged to support the handles of the carrying bag, the hook further including a rigid outer leg having a first end which extends from the curved base and a second end opposite the first end; a locking member having a second end engageable with the locking lip of the handle in order to lock the hook into a closed position during use, an inner surface, an outer surface, and a curvature defined between the inner and outer surface which is inverted with respect to the base curvature of the hook, as claimed by Applicant in independent claim 9.

U.S. Patent No. 6,481,771 to Friedman discloses a handle (20) for supporting and carrying shopping bags. The handle is formed of a continuous piece of material having a first end (31), a second end (32), an outer side (21), and an inner side (22). A locking closure includes a tab (31) extending from the first end, and a slot (36) at the second end (32). In use, the handle is bent creating a pair of symmetrical broad surfaces (70) for the user to hold and a valley region (44) extending longitudinally there between. The bags extend longitudinally within the valley region during use. The bags are selectively secured within the handle by locking the first end (31) of the handle to the second end (32) by inserting the tab (31) into the slot (36).

The Friedman patent does not disclose nor suggest a carrier for supporting and carrying bags having handles, the carrier including a handle having a locking lip supported adjacent and below the

opening on an outer surface of the handle's body portion; a hook having a base extending from and supported by the handle and including a curvature constructed and arranged to support the handles of the carrying bag, the hook further including a rigid outer leg having a first end which extends from the curved base and a second end opposite the first end; a locking member having a second end engageable with the locking lip of the handle in order to lock the hook into a closed position during use, and a release member constructed and arranged to release the locking member from engagement with the handle, as claimed by Applicant in independent claim 1.

Nor does the Friedman patent disclose or suggest a carrier for supporting and carrying bags having handles, the carrier including a handle having a locking lip supported adjacent and below the opening on an outer surface of the handle's body portion; a hook having a base extending from and supported by the handle and including a curvature constructed and arranged to support the handles of the carrying bag, the hook further including a rigid outer leg having a first end which extends from the curved base and a second end opposite the first end; a locking member having a second end engageable with the locking lip of the handle in order to lock the hook into a closed position during use, an inner surface, an outer surface, and a curvature defined between the inner and outer surface which is inverted with respect to the base curvature of the hook, as claimed by Applicant in independent claim 9.

U.K. Patent Application No. 2,230,940 to Scott discloses a carrying handle for carrying bags consisting of a handle portion (1) which can be grasped by the hand of a user, and a hook portion (2) on which the bag(s) can be hung. The hook portion has an outwardly extending lip (7) to facilitate hanging bags on the hook. The hook remains in an open position during use, i.e. there is an open gap which remains between the hook and the flat body (3) of the handle.

The Scott application does not disclose nor suggest a carrier for supporting and carrying bags having handles, the carrier including a handle having a locking lip supported adjacent and below the opening on an outer surface of the handle's body portion; a hook having a base extending from and supported by the handle and including a curvature constructed and arranged to support the handles of the carrying bag, the hook further including a rigid outer leg having a first end which extends from the curved base and a second end opposite the first end; a locking member having a second end engageable with the locking lip of the handle in order to lock the hook into a closed position during use, and a release member constructed and arranged to release the locking member from engagement with the handle, as claimed by Applicant in independent claim 1.

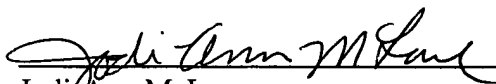
Nor does the Scott application disclose or suggest a carrier for supporting and carrying bags having handles, the carrier including a handle having a locking lip supported adjacent and below the opening on an outer surface of the handle's body portion; a hook having a base extending from and supported by the handle and including a curvature constructed and arranged to support the handles of the carrying bag, the hook further including a rigid outer leg having a first end which extends from the curved base and a second end opposite the first end; a locking member having a second end engageable with the locking lip of the handle in order to lock the hook into a closed position during use, an inner surface, an outer surface, and a curvature defined between the inner and outer surface

which is inverted with respect to the base curvature of the hook, as claimed by Applicant in independent claim 9.

6. Fee

The fee required by 37 C.F.R. 1.17(i) is to be paid by the attached check for \$130.00

Respectfully submitted,



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